

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JAVIER LAVAYEN,

Defendant.

No. 14-cr-774 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

IT IS HEREBY ORDERED THAT Defendant Javier Lavayen shall appear before this Court on Friday, August 14, 2020 at 2:00 p.m. to be presented on the specifications of violations of supervised release alleged in the Probation Office's August 10, 2020 report. The Court will also hear argument from the parties on the government's motion for detention pending a supervised release revocation hearing related to the specifications on which Lavayen was presented on July 27, 2020.

In light of the ongoing COVID-19 pandemic, IT IS FURTHER ORDERED THAT no later than 5:00 p.m. on Wednesday, August 12, 2020, Lavayen and his counsel shall inform the Court in writing whether Lavayen prefers to appear in person or remotely via videoconference. If the latter, defense counsel shall review with Lavayen the attached Waiver of Right to be Present at Criminal Proceeding form, which shall then be executed and submitted to the Court.

In the event that Lavayen consents to proceed on August 14, 2020 by Skype for Business videoconference, IT IS FURTHER ORDERED THAT no later than 5:00 p.m. on August 13, 2020, the parties must jointly email the Court a list of persons who anticipate speaking during the videoconference, including counsel, Lavayen, and Lavayen's supervising probation officer. The email should also provide the telephone numbers or Skype for Business account name from which

each of those persons expect to join the call. Chambers will email the parties directly in due course with further instructions for accessing the videoconference. Members of the public will be able monitor the proceedings via the Court's free audio line by dialing 1-888-363-4749 and using access code 3290725#.

SO ORDERED.

Dated: August 11, 2020
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

JAVIER LAVAYEN,

Defendant.

14-CR-774 (RJS)

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____ Supervised Release Conference

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time the conditions of my release on supervision or my remand to custody are discussed. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney and I be permitted to participate by telephone, or if it is reasonably available by videoconferencing, in any conference with the court at which such conditions or my remand are discussed.

Date:

Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the specifications of violation of supervised release, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held without my client being physically present in court.

Date:

Signature of Defense Counsel

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

_____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge

Date: